

## RE: Anaerobic Digester

ATTACHMENT 04

Craig Piper

Wed 6/29/2016 9:03 AM

To: Brandi Cummings &lt;bcummings@co.slo.ca.us&gt;;

Cc: Kevin Bumen &lt;kbumen@co.slo.ca.us&gt;;

Hi Brandi,

I can't find that I responded to you yet via email. I know we have exchanged voicemail messages.

We do have some concerns.

1. Any new structures/construction should undergo the FAA 7460 review for obstructions.
2. The airport is planning for an extension of Taxiway M which is the parallel taxiway on the west side of the runway. This will also include the relocation of the Glide Slope which is part of the Instrument Landing System (ILS). The developer/property owner needs to ensure that their project will not impact the operation the ILS as currently installed or as ultimately planned as shown in the Airport Layout Plan. This assurance will need to be coordinated with the FAA to ensure compliance.
3. Any lighting needs to be installed in such a way so as not to shine or be directed toward aircraft on approach to departure from the airport, especially during hours of darkness as this will affect pilots ability to operate aircraft.
4. Any development should be setback from the fence line to ensure nothing creates an opportunity for someone to easily climb over the fence and violating airport security.

Craig Piper  
Assistant Director  
Department of Airports  
County of San Luis Obispo  
805-781-4376

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**From:** Brandi Cummings  
**Sent:** Thursday, June 09, 2016 2:04 PM  
**To:** Craig Piper <capiper@co.slo.ca.us>  
**Subject:** Anaerobic Digester

Hi Craig,

I'm wondering if you would like to submit a formal referral response to this project? I know there were a few potential issues brought up at the meeting we all had.

Also, it's my understanding that ALUC is scheduled for June 29th, and their comments/recommendation will be listed as a separate response.



Brandi Cummings  
Planner  
Department of Planning & Building  
County of San Luis Obispo  
805.781.1006

## ATTACHMENT 04



Air Pollution Control District  
San Luis Obispo County

May 11, 2016

Brandi Cummings  
County of San Luis Obispo County Planning and Building  
Government Center  
San Luis Obispo ca 93401

SUBJECT: APCD Comments Regarding the Kompogas Anaerobic Digestion Plant Initial Study / Mitigated Negative Declaration.

Dear Ms. Cummings,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the above referenced project located at 4388 Old Santa Fe Road in San Luis Obispo.

The project as proposed includes an anaerobic digestion plant to process green and food waste from Waste Connections' service area. The plant will utilize an existing 13,000 square foot (SF) building (formerly the plate cutting building) with 36,000 SF of new construction, including the introduction of equipment related to the anaerobic digestion process. A new office trailer for support staff will be located west of the existing plant cutting building. An 80 space paved parking lot is planned for the east side of the new building. A new weighbridge will be installed in the paved area for weighing incoming and outgoing trucks. The site plan depicts a compressed natural gas (CNG) fueling station for the potential to fuel the increasing fleet of CNG -fueled trucks utilized by Waste Connections. Other alternative uses for the biogas include the combined heat and power unit (CHP), net metering and distribution into the existing power grids. The biogas is a by-product of the anaerobic digestion process. Other site improvements include grading to accommodate post construction storm water facilities.

*The following are APCD comments that are pertinent to this project.*

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

### **CONSTRUCTION PHASE IMPACTS**

Based on the SLOPCD review of the Initial Study and associated Air Quality Technical Report, staff agrees the construction phase impacts will likely be less than the SLOPCD's significance threshold values identified in Table 2-1 of the CEQA Air Quality Handbook (available at the APCD web site: [www.slocleanair.org](http://www.slocleanair.org)). Staff also agrees with the mitigation measures (AQ-1 and AQ-2) in the Air Quality Technical Report. **Therefore, with the exception of the requirements below, the APCD is not requiring other construction phase mitigation measures for this project. SLOPCD staff recommends the requirement listed below be included as a mitigation measure to ensure compliance with the requirements.**

#### **Dust Control for Drought Conditions**

The SLOPCD agrees with the dust control measures outlined in mitigation measure AQ-1 ( Air Quality Technical Report on page 10 and 11). However, **please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.** For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.

#### **Hydrocarbon Contaminated Soil**

**Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered:**

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH -non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD's construction phase thresholds;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,
- Clean soil must be segregated from contaminated soil.

**The notification and permitting determination requirements shall be directed to the APCD Engineering Division at 781-5912.**

#### **Lead During Demolition**

Demolition, renovation, or retrofitting of structures coated with lead based paint is a concern for the APCD. Improper demolition can result in the release of lead containing particles from the site. Sandblasting or removal of paint by heating with a heat gun can result in significant emissions of lead. Therefore, proper abatement of lead before demolition of these structures must be performed in order to prevent the release of lead from the site. **Depending on the removal method, an APCD permit may be required. Contact the APCD Engineering Division at (805)**



**781-5912 for more information. Approval of a lead work plan by the APCD is required and must be submitted ten days prior to the start of the demolition. For more information, contact the APCD Enforcement Division at (805) 781-5912 or for specific information regarding lead removal, please contact Cal-OSHA at (818) 901-5403. Additional information can also be found on line at <http://www.epa.gov/lead>.**

#### Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2012 CEQA Handbook, Technical Appendix 4.4. The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), and therefore the following requirements apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105), **prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation. An exemption request must be filed with the APCD.** If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. More information on NOA can be found at [slocleanair.org/business/asbestos.php](http://slocleanair.org/business/asbestos.php).

#### Demolition/Asbestos

Demolition, renovation, or retrofitting activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during the demolition or remodeling of existing buildings or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). **If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 and also go to [slocleanair.org/business/asbestos.php](http://slocleanair.org/business/asbestos.php) for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of: [slocleanair.org/business/onlineforms.php](http://slocleanair.org/business/onlineforms.php).

#### Construction Permit Requirements

As indicated on page 12 of the Air Quality Technical Report, portable equipment may require a permit. Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc.).

**To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.** SLOAPCD staff recommends this requirement be included as a mitigation measure to ensure compliance with the requirement.

#### Idling Restrictions

As indicated on page 12 of the Air Quality Technical Report, California Code of Regulation limits idling. **SLOAPCD staff recommends the requirements listed be included as a mitigation measures to ensure compliance with the requirement.**

#### **OPERATIONAL PHASE IMPACTS**

In order for the SLOAPCD to verify the operation phase emissions the following items will need to be addressed.

- **Biogas upgrading system**-The project description included a discussion of possible uses of the biogas. One being the use of the biogas as a fuel for the combined heat and power unit (CHP), or upgraded for in the CNG waste hauler trucks. However, the calculations do not appear to include the upgrading process or associated emissions that would be produced from the operation. **Please provide more information on how the biogas upgrading process works and what happens to the impurities that are removed from the gas (e.g. CO<sub>2</sub>, H<sub>2</sub>S).** **If the operational plans include this gas upgrade process then the equipment and emissions should be included in the calculations to determine the full impacts from the project.**
- **Press Water Storage Tank**-Page 9 of the project description discusses a press-water storage tank. What is the size of this tank? The project description indicates the storage tanks are covered by a gas and odor tight membrane. This would imply the system includes some sort of vapor recovery system. **Please provide more information about how this system works.**
- **Biofilter**-It was not clear from the description of the biofilter (page 12 of the project description) how the ammonia (NH<sub>3</sub>) in the exhaust gas will be monitored. **Please explain.**



- **CHP**-The size of the CHP to be used for the project is unclear from the documents presented with this application. The Air Quality Technical Report (page 13) indicates the CHP is expected to be less than 800 kW, however, it states the emission estimates assumed an 800 kW CHP to provide a maximum case. In the initial study, several different CHP sizes were analyzed (250 kW, 400kW, 826 kW, 1,069 kW and 1,200 kW). In the Initial study, page 6 the following statement is made:

*"The analysis assumed that the CHP unit would run continuously 24 hours per day. The daily operational emissions from the proposed project using an 826 kW CHP unit would be below the daily significance threshold levels established by APCD. The daily operational emissions from the proposed project utilizing a 1,069 kW or a 1,200 kW CHP unit would be slightly above the daily significance threshold of 25 pounds/day (lbs./day) for ROG + NOx. and would be potentially significant. Projects that exceed the 25 lbs./day threshold for ROG + NOx requires further mitigation, as established by the APCD. While the analysis includes a variety of alternative CHP unit sizes, emissions, and related mitigation, the final design will reflect the final CHP unit size, accordingly."*

What is meant by the last sentence, "The final design will reflect the final CHP unit size accordingly?" If the larger CHP units are selected, then additional mitigation should be proposed. In order for the SLOCAPCD to make a determination about the air quality impact the exact size of the equipment needs to be defined. **The initial study, supporting documentation, and any conditions of approval should make it clear as to which size CHP will be used and appropriate mitigation recommended as needed. Also, please provide the manufacturer's emission rates, emission factors and specification sheet for the CHP and flare.**

- **Odors**-As recommended in the initial study and Air Quality Technical Report, the SLOCAPCD agrees an Odor Management Plan should be prepared for this project. **The Odor Management Plan should be submitted to the SLOCAPCD for review and approval prior to the start of construction activities. In addition to the items listed on page 8 of the initial study, the SLOCAPCD also recommends that the Odor Management Plan include a section to address complaint notification and response.**
- **Greenhouse Gases**-The application of the GHG threshold has been misapplied in the GHG analysis on pages 30 and 31 of the Air Quality Technical Report and page 13 of the initial study. **All project GHG emissions including the mobile sources, energy usage, water, CHP and construction emissions (amortized over the life of the project) should be summed up and compared to the 10,000 tons/yr. threshold.**
- **Mobile sources**-As indicated in the Vehicle Trip Generation Report dated February 26, 2016, the total vehicle miles traveled (VMT) associated with the project will increase mainly due to the new commercial food waste trucks. The data for the new commercial food waste truck is presented on page 3 and 4 of this report. There appears to be an additional error for the total miles for the commercial trucks. Truck A is shown to travel 125 miles for the various routes and Truck B is shown to travel 85 miles for the various route, which adds up to a total of 210 miles, not 201 miles as show on the table, thus making daily vehicle miles travelled for

all trucks an increase of 155 miles, not 146 miles. **This should be checked and the calculations modified accordingly.**

- **Operational Emission: tons/yr.**-The Air Quality Technical Report provides summary tables for operational phase emissions on pages 14 and 15. However, Table 9 for the annual operating emissions (annual tons/year) does not include all the sources of emissions; it only lists the emissions for the CHP (with and without the SCR/oxicat). **All sources including mobile, energy usage, water, and CHP should be included on one summary table and compared to the SLOPCD annual thresholds, as was done for the daily emission summary Table 6, 7 and 8.**
- **Permit to Operate**-Based on the information provided, this project will be required to obtain a permit to operate from the SLOPCD. **To minimize potential delays prior to the start of the project, please contact the APCD Engineering Division at 805-781-5912 for specific information regarding permitting requirements.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 805-781-4667.

Sincerely,



Air Quality Specialist

MAG/ihs

cc: Dora Drexler, Enforcement Division, APCD  
Tim Fuhs, Enforcement Division, APCD  
Gary Willey, Engineering Division, APCD

Attachments:

1. Naturally Occurring Asbestos – Construction & Grading Project Exemption Request Form, Construction & Grading Project Form

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## ATTACHMENT 04



# Air Pollution Control District San Luis Obispo County

June 14, 2016

Brandi Cummings

County of San Luis Obispo County Planning and Building Government Center  
San Luis Obispo, CA 93401

SUBJECT: APCD Comments Regarding the Kompogas Anaerobic Digestion Plant-  
Comments on Technical Memorandum May 24, 2016

Dear Ms. Cummings:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the above referenced document and have the following comments.

Page 1 and 2 of the Technical Memorandum dated May 24, 2016

We appreciate the applicant's willingness to include the mitigation measures referenced in the APCD letter dated May 11, 2016. However, in a few cases we recommend the language be expanded to ensure all facets of the requirement are included in the conditions of approval.

1. For hydrocarbon contaminated soil, APCD staff recommend the following portion of standard language be added to the verbiage on page 1 of the Technical Memorandum dated May 24, 2016:
  - *Cover on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;*
  - *Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;*
  - *Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;*
  - *The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD's construction phase thresholds;*
  - *During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,*
2. For naturally occurring asbestos (NOA), APCD staff recommend the following addition to the language listed on page 2 of the Technical Memorandum dated May 24, 2016:



## ATTACHMENT 04

*If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM.*

3. For Demolition/Asbestos, APCD staff recommend adding the following to the language listed on page 2 of the Technical Memorandum dated May 24, 2016:

*These requirements include, but are not limited to 1) written notification within at least 10 business days of activities commencing to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at 805 781-5912 and also go to [slocleanair.org/business/asbestos.php](http://slocleanair.org/business/asbestos.php) for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of [slocleanair.org/business/onlineforms.php](http://slocleanair.org/business/onlineforms.php)*

### Page 2 of the Technical Memorandum dated May 24, 2016

The applicant indicates that the biogas upgrading is no longer part of the project and all biogas will go to the CHP unit or flare during project start-up and maintenance. However, on page 3 (same document) the applicant recommends MM AQ-4 as possible mitigation which indicates the applicant shall construct an on-site CNG fueling station to reduce collection-truck vehicle miles travelled, if feasible. Since it was stated on the previous page that the upgrading facility was no longer part of the project measure, MM AQ-4 seems to contradict what was stated previously. Please explain. If an upgrading facility is intended for future installation, then potential emissions from the facility should be included in the evaluation.

### Page 3 of the Technical Memorandum dated May 24, 2016

Under the CHP paragraph the applicant proposes MM AQ-3, AQ-4, and AQ-5. Mitigation Measure AQ-3 states that the applicant proposes replacing diesel fueled collection trucks with CNG if feasible. In the Air Quality Technical Report dated March 29, 2016, which was previously submitted MM AQ-3 addresses odors and proposes an Odor Control Plan. **San Luis Obispo County APCD requests that one comprehensive list of proposed mitigation measures be compiled and be submitted for clarification.**

### On page 5 of the Technical Memorandum dated May 24, 2016

The APCD has two operational phase emission thresholds for ROG+NOx, and PM10, 25 lbs/day and 25 tons/year. For the CEQA evaluation the project emissions should be compared to both the daily and annual thresholds. Mitigation is required if the project emissions exceed either threshold and offsite mitigation may be required if the project exceeds the 25 ton/year threshold. The data presented on page 5 only evaluated the tons/year.

Based on the APCD review of the data presented it appears the operational phase emissions will exceed the daily threshold of 25 lbs/day for ROG +NOx without an SCR oxidation catalyst system. The project proponent should demonstrate that the proposed mitigation measures will reduce the emissions to below the thresholds. If CNG vehicles are being proposed to reduce emissions, then the reduction should be quantified. As noted above, with regard to onsite CNG refueling, MM AQ-4 page 2 of this document indicates that a biogas upgrading system was no longer being considered as part of the project, which makes any emission reductions from this measure unlikely. As shown in the calculations and supporting documentation an SCR oxidation catalyst system would provide

approximately 75% reduction in NOx. The APCD recommends an SCR oxidation catalyst, or other equivalent measures be proposed, that will provide real quantifiable emission reduction on site.

This project will require a permit from the APCD and will be subject to the New Source Review Rule 204. Under Rule 204 equipment emitting more than 25 lbs/day of NOx requires Best Available Control Technology.

Please contact the APCD Engineering Division at 805 781-5912 for specific information regarding permitting requirements and for any other questions or comments you may have regarding this letter, please feel free to contact me at 805-781-4667.

Sincerely,



Melissa Guise  
Air Quality Specialist  
MAG/his

cc: Dora Drexler, Enforcement Division, APCD  
Tim Fuhs, Enforcement Division, APCD  
Gary Willey, Engineering Division, APCD

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## RE: Hitachi Zosen Anaerobic Digester

ATTACHMENT 04

Byrnes, Dennis@CALFIRE &lt;Dennis.Byrnes@fire.ca.gov&gt;

Fri 6/10/2016 1:35 PM

Inbox

To: Brandi Cummings &lt;bcummings@co.slo.ca.us&gt;;

Cc: Salas, Mike@CALFIRE &lt;Mike.Salas@fire.ca.gov&gt;; Laurie Donnelly &lt;laurie.donnelly@fire.ca.gov&gt;; Tony.Gomes\_fire.ca.gov &lt;Tony.Gomes@fire.ca.gov&gt;; Jerilyn Moore &lt;jerilyn.moore@fire.ca.gov&gt;;

Brandi,  
Yes I am the lead on this project for CAL FIRE.  
Due to the unique nature of this project CAL FIRE/ San Luis Obispo County Fire Department is working closely with the applicant and the applicants Fire Protection Engineer to develop Fire/Life Safety standards. This is the first anaerobic digester (wet) designed by this company being constructed in the United States, so research is being conducted to developed standards and mitigate concerns. I anticipate meeting with the applicants Fire Protection Engineer the second week in July to start the primary review.  
Regards

Dennis Byrnes  
Fire Captain / Fire Prevention  
**CAL FIRE** San Luis Obispo  
[635 N. Santa Rosa](#)  
[San Luis Obispo, CA. 93405](#)  
805-543-4244 Office  
805-543-4248 Fax

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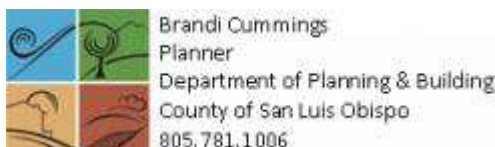
**From:** Brandi Cummings [bcummings@co.slo.ca.us]  
**Sent:** Thursday, June 09, 2016 9:00 PM  
**To:** Byrnes, Dennis@CALFIRE  
**Cc:** Salas, Mike@CALFIRE  
**Subject:** Hitachi Zosen Anaerobic Digester

Hi Dennis,

I'm not sure who is officially working on this project, but I believe you were the last one I spoke with about it.

I know Cal Fire and Building are working with the applicant team to address potential issues, but I am wondering if Cal Fire would like to submit a formal referral response for the staff report and file. If there are any special project conditions needed, those could be included as well.

Thanks,





## Community Development

919 Palm Street, San Luis Obispo, CA 93401-3249  
805.781.7170  
[slocity.org](http://slocity.org)

June 8, 2016

Brandi Cummings  
Department of Planning and Building  
County of San Luis Obispo  
976 Osos St., Rm. 300  
San Luis Obispo, CA 93408

**SUBJECT: Proposed Conditional Use Permit for an anerobic digestion plant to process green and food waste; 4388 Old Santa Fe Road, San Luis Obispo (DRC 2015-000122 HITACHI ZOSEN INOVA)**

This letter serves as the City of San Luis Obispo's comment letter on the conditional use permit review to allow construction of an anaerobic digestion plant to process green and food waste.

The 2005 City/County Memorandum of Understanding states that the County and City should work cooperatively to plan for future uses and public services and facilities to improve and maintain area circulation, connections, and to preserve agricultural land and open space, and we appreciate this opportunity to provide input. The project is located within the City of San Luis Obispo's Airport Area Specific Plan (AASP) and is designated for annexation.

This letter includes comments and recommended conditions of approval which should be included with any project approvals.

### **Airport Land Use Plan**

Due to the proposed project's close proximity to County Airport runways 7-25 & 11-29, and proposed installation of the new blower and flare, and rooftop photovoltaics, staff recommends consultation with the County staff liaison to the Airport Land Use Commission to verify conformance with any overflight safety provisions of the Airport Land Use Plan (glare, emissions, etc.) and to determine whether the project should be reviewed by the County Airport Land Use Commission.

### **Airport Area Specific Plan**

The project site is located within the Airport Area Specific Plan (AASP) and is designated for annexation to the City of San Luis Obispo. Project approvals in this area should be coordinated with planned development and infrastructure improvements in the AASP. The AASP provides a framework to guide development decisions in the



planning area and conditions of approval to accommodate planned infrastructure should be applied accordingly (please see Public Works comments and conditions below).

For the complete Airport Area Specific Plan, please see the following link:  
<http://www.slocity.org/government/departments/community-development/planning-zoning/specific-area-plans/airport-area>

## **Public Works Department Comments**

### ***Comments for the County Referral Projects accessed from Buckley Road***

1. All projects should be conditioned to be consistent with the City's Airport Area Specific Plan (AASP) street and infrastructure recommendations.
2. Transportation Impact fees are primarily for off-site mitigation needed to serve development in this area. This includes the Buckley Road extension to Higuera, work at Broad/TFR and the LOVR interchange location. AASP fees do not include collections of funds for this section of Buckley Road. The County no longer collects Fringe Fees for these purposes and has turned responsibility over to the City to implement many of the area projects.

### ***Recommended Condition of Approval***

*Should the County consider approval of the application to construct the commercial building, the City requests the following conditions be required:*

1. In order to mitigate offsite traffic impacts, fees shall be required for City transportation Impact fees for various programs. These fees will need to be paid at time of building permit issuance but may also be paid prior to map recordation consistent with County policies. These fees should include:
  - a. Citywide Transportation Impact Fee
  - b. Airport Area Specific Plan Fee
  - c. LOVR Interchange Mitigation Fee

**The City requests to continue to be notified/consulted on further project review such as any significant project modifications, environmental review, and upcoming hearings.**

Please feel free to contact me if you have any questions or would like to arrange a meeting. I can be contacted by phone at 805-781-7166, or by e-mail: [bleveille@slocity.org](mailto:bleveille@slocity.org)

Thank you for considering City Community Development Department comments on the proposed project.

City of San Luis Obispo referral response ATTACHMENT 04  
Hitachi Zosen Inova (DRC2015-00122)

Sincerely,



Brian Levens, AICP  
Senior Planner  
Long Range Planning  
City of San Luis Obispo, Community Development Department

CC: San Luis Obispo City Council  
Xzandrea Fowler, Deputy Director of Community Development  
Tim Bochum, Deputy Director of Public Works  
Hal Hannula, Supervising Civil Engineer  
Jake Hudson, Traffic Operations Manager





## DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

## THIS IS A NEW PROJECT REFERRAL

DATE: 4/28/2016

TO: ENV. HEALTHFROM: Brandi Cummings (805-781-1006 or bcummings@co.slo.ca.us)  
South County Team / Development ReviewMAY 2 2016  
SR 15082

**PROJECT DESCRIPTION:** DRC2015-00122 HITACHI ZOSEN INOVA – Request for a conditional use permit to allow construction of an anaerobic digestion plant to process green and food waste. The project includes removal of an existing 13,000 SF building and a new 36,000 SF building and related equipment. APN(s): 076-371-025 & 031

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

## PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)  
☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

## PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)  
☐ NO (Please go on to PART III.)

## PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

Please see attached. Thank you

5/20/16

Date

Name

X 3551

Phone



# COUNTY OF SAN LUIS OBISPO HEALTH AGENCY

ATTACHMENT 04

## Public Health Department

Jeff Hamm  
Health Agency Director

Penny Borenstein, M.D., M.P.H.  
Health Officer



**Public Health**  
Prevent. Promote. Protect.

May 20, 2016

To: Brandi Cummings  
South County Team / Development Review

From: Environmental Health  
Leslie Terry

Project Description: DRC2015-00122, Hitachi Zosen INOVA CUP  
APN 076-371-025 & 031

Prior to construction final, applicant to obtain appropriate level of permitting from this office for process gasses produced. Depending on reportable quantities, a Hazardous Materials Business Plan may be required (including a potential for a Risk Management Plan). Project may necessitate updates to the Waste Connections, Inc. Business Plan including but not limited to the site plan.

Confirm separation distances between water wells, basins, and septic system components.

If plan review for cross connection determines a device is necessary, then an annual device test requirement shall be added as a condition of this CUP.

Prior to construction final, the site shall have a permit for a Non-Transient Non-Community water system in process (reactivation of the CBI water system permit).



ATTACHMENT 04

# SAN LUIS OBISPO COUNTY

## AIRPORT LAND USE COMMISSION

Chairman: Roger Oxborrow  
Commissioners: William (Bill) Borgsmiller  
Michael Cripe  
Craig Piper  
John Eichler  
Allen Settle  
Erich Schaefer

### NOTICE OF AIRPORT LAND USE COMMISSION ACTION

ALUC 2016-001

HEARING DATE: June 29, 2016

RECOMMENDATION TO: **County of San Luis Obispo**

SUBJECT: Hearing to consider a mandatory referral by the **County of San Luis Obispo** for a determination of consistency or inconsistency regarding a Conditional Use Permit for Hitachi Zosen Inova for the construction of an anaerobic digestion plant to process green and food waste. The site is located at 4388 Old Santa Fe Road, and is in within the Industrial land use category. The proposed project is located within San Luis Obispo County Regional Airport Land Use Plan (ALUP) Airport Safety Areas S-1b and RPZ. County of SLO Project Manager, Brandi Cummings County File No. DRC2015-00122 Applicant: Hitachi Zosen Inova Recommendation: Consistency

On **June 29, 2016**, the Airport Land Use Commission determined the above referenced project **Consistent** with the San Luis Obispo County Regional Airport Land Use Plan, and referred it back to the County of San Luis Obispo, Brandi Cummings, Project Manager, on the basis the Findings / Conditions in the staff report.

If you have any questions regarding this matter, please contact me at (805) 781-5718.

Sincerely,

Nicole Retana, Secretary  
Airport Land Use Commission

(Planning Department Use Only)

Enclosed:   X   Airport Land Use Commission Staff Report  
Mailed date\_July 12, 2016



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## **STAFF REPORT SAN LUIS OBISPO COUNTY AIRPORT LAND USE COMMISSION**

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**DATE:** JUNE 29, 2016

**TO:** AIRPORT LAND USE COMMISSION (ALUC)

**FROM:** BRIAN PEDROTTI, COUNTY PLANNING AND BUILDING

**REFERRING  
AGENCY:**

COUNTY OF SAN LUIS OBISPO  
APPLICANT: HITACHI ZOSEN INOVA, U.S.A., LLC  
COUNTY FILE NUMBER: DRC2015-00122  
PROJECT MANAGER: BRANDI CUMMINGS

**SUBJECT:** A REFERRAL BY THE COUNTY OF SAN LUIS OBISPO (COUNTY) FOR A DETERMINATION OF CONSISTENCY OR INCONSISTENCY REGARDING A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR THE CONSTRUCTION OF AN ANAEROBIC DIGESTION PLANT TO PROCESS GREEN AND FOOD WASTE. THE PROJECT INCLUDES AN EXISTING 13,000 SQUARE FOOT BUILDING AND A NEW 36,000 SQUARE FOOT BUILDING AND RELATED EQUIPMENT.

**LOCATION:** THE 12.5-ACRE PROPERTY (APNs: 076-371-025 AND 031) IS LOCATED AT 4388 OLD SANTA FE ROAD, AND IS WITHIN THE INDUSTRIAL LAND USE CATEGORY. THE PROPOSED PROJECT IS LOCATED IN THE SAN LUIS OBISPO COUNTY REGIONAL AIRPORT LAND USE PLAN (ALUP) – AVIATION SAFETY AREAS S-1B AND THE RPZ (RUNWAY PROTECTION ZONE).

**RECOMMENDATION:**

Recommend a determination of consistency with the ALUP to the County of San Luis Obispo for a Conditional Use Permit (CUP) to allow for the construction of an anaerobic digestion plant to process green and food waste subject to the conditions of approval set forth below.

**Finding(s):**

- a) The proposed project is consistent with General Land Use Policies, G-1 through G-3 because: all information required for review of the proposed local action was provided by the referring agency; the project (as conditioned) would not result in any incompatibilities to the continued economic vitality and efficient operation of the Airport with specific respect to safety, noise, overflight or obstacle clearance; and since some of the lots affected by the proposed project or local action are located in more than one noise exposure area or aviation safety area, the standards for each such area will be applied separately to the land area lying within each noise or safety zone;

- b) The proposed project is consistent with the Specific Land Use Policies for Noise because the area affected by the project or local action is located within the 60 dB CNEL airport noise contour and development of any moderately noise-sensitive uses such as offices shall meet the requirements of interior noise levels specified in Table 4 and Section 4.3.3 of the ALUP;
- c) The proposed project is consistent with the Specific Land Use Policies for Safety because the proposed development would not result in a density greater than specified in Table 7; the proposed development would not result in a greater building coverage than permitted by Table 7; and the proposed development would not result in high intensity land uses or special land use functions as conditioned;
- d) The proposed project is consistent with the Specific Land Use Policies for Airspace Protection because the proposed gas flare is fully enclosed in a concrete foundation and is only used occasionally for excess biogas combustion, and the proposed development shall not include any structure, landscaping, glare, apparatus, or other feature, whether temporary or permanent in nature to constitute an obstruction to air navigation or a hazard to air navigation;
- e) The proposed project is consistent with the Specific Land Use Policies for Overflight because the proposed development has been conditioned to record avigation easements for each property developed within the project area prior to the issuance of any building permit or minor use permit; and all owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the Airport Area; and
- f) The proposed development within the project area will not exceed the maximum building coverage nor increase densities greater than what is allowed per Table 7 of the ALUP, because the square footage of the space and maximum number of people per acre do not surpass the requirements set by the ALUP as discussed in the report, and will be incorporated into the conditions of approval for the development permits.

#### **PROJECT DESCRIPTION:**

Proposal: Construction of an anaerobic digestion plant to process green and food waste  
 Setting: Industrial and commercial uses  
 Existing Uses: Four buildings, including a manufacturing building [21,382 square feet (sq.ft.)] and office area (5,000 sq.ft.), a paint booth building (7,160 sq.ft.), a manufactured building/portable restroom, and a 47-foot tall one-story manufacturing building (13,128 sq. ft.), also known as the "plate cutting" building  
 Site Area: Approximately 12.5 acres

#### **DISCUSSION:**

##### Anaerobic Digestion Plant

The applicant has submitted a proposal for the construction of an anaerobic digestion plant to process green and food waste. The plant will utilize the existing 13,128 square foot building (formerly, the plate cutting building) with the addition of 36,000 square feet of new construction,

including the introduction of equipment related to the anaerobic digestion process. A new office trailer will be located west of the existing plate cutting building. An 80-space paved parking lot is planned for the east side of the new building. A new weighbridge will be installed in the paved area for weighing incoming/outgoing trucks. As initially referred, the project includes a compressed natural gas (“CNG”) fueling station for the potential to fuel the increasing fleet of CNG-fueled trucks. However, the applicant has indicated that the fueling station is longer going to be included in the project.

#### Setting/Existing Uses/Site Area

The project site consists of two parcels totaling 12.5 acres located at 4388 Old Santa Fe Road, east of Hoover Road. The subject parcels (APNs: 076-371-025 and 031) are in the Industrial land use category. The site is developed with four buildings as described above. Surrounding land uses include: the SLO Regional Airport to the north, light industrial and Airport to the south and east, and vacant County-owned land to the west.

#### Airport Land Use Plan Applicability

The project site is located within Airport Land Use Plan Aviation Safety Area S-1b, and is approximately 300 feet from the Airport active runway 29 and approximately 400 feet from active runway 11. The project site is within the 60 dB Airport Land Use Plan Noise Contour, as shown on ALUP Figure 1 (Airport Noise Contours) and the 75 dB Single Event Noise Contour, as shown on ALUP Figure 2 (Single Event Noise Contours). A portion of the property is located within the RPZ, however, no development is proposed within the RPZ.

#### ALUP 5.3 Land Use Compatibility Table

Staff has identified the primary use as Agricultural Processing, as defined in Section 8 of the ALUP, because the project involves “receiving and processing of green material which is not produced on-site (commercial composing).” The ALUP Section 5.3 Land Use Compatibility Table designates Agricultural Processing within Aviation Safety Area S-1b as NR6 (land use is allowed provided the maximum non-residential density of use is limited to the values presented in ALUP Table 7 and Figure 6). Agricultural Processing is prohibited within the RPZ, but no portion of the operation is proposed in this area.

Although the fueling station constitutes a special function land use, specifically an unusually hazardous use (defined to include “fuel pumping facilities”) which is prohibited within S-1b, the applicant has indicated that the fueling station will not be included in the project. The ALUP defines “unusually hazardous uses” as follows: “land uses which include features which could substantially contribute to the severity of an aircraft accident if they were to be involved in one; includes above ground storage of substantial quantities of flammable materials, fuel pumping facilities, above ground electric transmission lines or switching facilities, above ground pipelines carrying flammable materials, and other similar uses.” Aside from the fueling station, the only other proposed uses potentially falling within this definition include the above ground storage tank and pipelines storing/carrying flammable materials. The proposed tank includes a secondary biogas storage unit in the upper portion of the tank which is intended to be used as occasional backup storage, and will not be continuously filled with flammable material. Based on the foregoing and as conditioned, the project does not include features that could “substantially contribute” to the severity of an aircraft accident nor does it include the above ground storage of “substantial quantities” of flammable materials. This is an issue the Commission should deliberate further during this hearing so the Applicant and Airports Manager can work toward a final resolution. A finding will need to be made to address this conclusion.

#### ALUP Table 7 – Density Adjustment



Based on review of the ALUP Table 7 (Planning Requirements and density adjustments for Land Uses within the Aviation Safety Areas for the San Luis Obispo County Regional Airport): 1) the maximum building coverage (% of gross area) is 10 percent for Airport Safety Area S-1b; 2) the maximum density of use (non-residential) is 40 persons/acre for Airport Safety Area S-1b; and 3) Special Function and High Intensity Land Uses are not allowed within the Airport Safety Area S-1b.

ALUP Table 8 – Non-Residential Land Use Densities

Based on review of ALUP Table 8 – Non-Residential Land Use Densities: 1) Agriculture (Agricultural processing) maximum density is 1 person per 200 sq. ft. gross floor area, plus one person per 1000 sq. ft. outdoor processing area is allowable; and 2) Offices maximum density is 1 person per 200 sq. ft. gross floor area.

Density and Building Coverage Calculations

The applicant's requested density for the anaerobic digester facility is based on 8.83 gross acres within the S-1b Airport Safety Area. Based on ALUP Table 7, a maximum non-residential density of up to 40 persons per acre is allowed. Based on ALUP Table 8, density is determined for the facility as 1 person per 200 sq.ft; and 1 person per 200 sq.ft. gross floor area for Office.

Airspace Protection

The construction of tall structures, including buildings and construction cranes – in the vicinity of an airport can be hazardous to the navigation of airplanes. The FAA, through FAR Part 77, established a method of identifying surfaces that should be free from penetration by obstructions in order to maintain sufficient airspace around airports. FAR Part 77, in effect, identifies the maximum height at which a structure would be considered an obstacle at any given point around an airport. The extent of the off-airport coverage needing to be evaluated for tall structure impacts can extend miles from an airport facility. The proposed digester facility, as well as any tall structure(s) proposed as future development for other parcels, shall be reviewed by the Air Traffic Division of the FAA to determine compliance with the provisions of FAR Part 77.

The current approved Airport Layout Plan (ALP) in the Airport Master Plan identifies the project site for future airport acquisition to enable expansion of the airport. Draft revisions to the ALP, which are currently under review but not yet finalized by the FAA, show that a portion of the proposed building will potentially encroach on the critical area associated with the glideslope antenna signals. The primary concern associated with interference in the critical area is with moving vehicles or aircraft that could affect radio frequencies. According to the consultant for the revised ALP, buildings are less likely to interfere with these frequencies, but any proposed building should be reviewed by the FAA. In addition, the ALP also includes potential future roadway alignments and taxiway extensions in the vicinity of the project. The proposed building does not appear to encroach or interfere with these future road alignments.

The proposed plan also includes an emergency gas flare for excess biogas that can accumulate, and is used on an occasional and limited basis in case of emergency or for routine maintenance purposes. The gas flare is entirely located within a concrete foundation. In addition, exhaust air from the digester is released in a large open concrete tank filled with pieces of tree roots to absorb odors. The applicant has indicated that airflow through the tree roots is continuous and will discourage birds, which can be a hazard to airplanes, from foraging for wood.

**Maximum Non-residential density (S1b):**

$$\underline{8.83 \text{ gross acres} \times 40 \text{ person per acre} = 353 \text{ persons total}}$$

**Maximum Agricultural Processing density:**

Indoor Production = 49,000 sq.ft

1 person per 200 sq.ft. of indoor processing =

$$1 \text{ person} \times 49,000 \text{ sq.ft.} / 200 \text{ sq.ft. (245)} = 245 \text{ persons}$$

$$\underline{Ag \text{ Processing Density} = 245 \text{ persons}}$$

**Maximum Office density:**

Offices = 1,000 sq.ft.

1 person per 200 sq.ft. of gross floor area for office =

$$1 \text{ person} \times 1,000 \text{ sq.ft.} / 200 \text{ sq.ft. (5)} = 5 \text{ persons}$$

$$\underline{Office \text{ Density} = 5 \text{ persons}}$$

**Maximum Building Coverage: (includes total acreage in S1b and RPZ)**

$$\underline{12.53 \text{ gross acres} \times 10\% = 1.25 \text{ acres (54,450 sq.ft.)}}$$

**Conditions of Approval to be incorporated into any use permit(s) for development:**

1. The non-residential density for the property is limited to 353 persons, the maximum agricultural processing density is limited to 245 persons, and the maximum office density is limited to 5 persons.
2. The building coverage for the property is limited to 1.25 acres (54,450 sq.ft.).
3. All tall structures shall be reviewed by the Air Traffic Division of the FAA regional office having jurisdiction over San Luis Obispo County to determine compliance with the provisions of FAR Part 77. In addition, applicable construction activities must be reported via FAA Form 7460-1 at least 30 days before proposed construction or application for a building permit. The applicant shall also coordinate with the FAA on potential structural encroachments into the glidescope critical areas as shown on the draft Airport Layout Plan.
4. All moderately noise sensitive land uses on the Project Site shall include noise mitigation as required by the ALUP.
5. No structure, landscaping, apparatus, or other feature, whether temporary or permanent in nature shall constitute an obstruction to air navigation or a hazard to air navigation, as defined by the ALUP.
6. Any use is prohibited that may entail characteristics which would potentially interfere with the takeoff, landing, or maneuvering of aircraft at the Airport, including:
  - creation of electrical interference with navigation signals or radio communication between the aircraft and airport;
  - lighting which is difficult to distinguish from airport lighting;
  - glare in the eyes of pilots using the airport;
  - uses which attract birds and create bird strike hazards;
  - uses which produce visually significant quantities of smoke; and
  - uses which entail a risk of physical injury to operators or passengers of aircraft (e.g., exterior laser light demonstrations or shows).
7. Avigation easements shall be recorded for each property developed within the area included in the proposed local action prior to the issuance of any building permit or conditional use permit.
8. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.



ATTACHMENT 04

9. Consistent with the representations of the application, no fueling station shall be included in the project.



SAN LUIS OBISPO COUNTY  
ATTACHMENT 04  
**DEPARTMENT OF PUBLIC WORKS**

Wade Horton, Director

County Government Center, Room 206 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)



Date: May 6, 2016

To: Brandi Cummings, Project Planner

From: Tim Tomlinson, Development Services

Subject: **Public Works Comments on DRC2015-00122 Hitachi Zosen Inova CUP, Old Santa Fe Rd., SLO, APN 076-371-025 & 031**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

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**Public Works Comments:**

- A. Project site may be located within the City of San Luis Obispo Sphere of Influence per Memorandum of Agreement (MOA) approved by the Board on October 18, 2005. City road impact fees may be applicable to this project.
- B. The proposed project is within a drainage review area as there is an area of considerable flooding down stream of this project. A drainage plan is required to be prepared by a registered civil engineer and it will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52.110 of the Land Use Ordinance prior to future submittal of development permits. Additional detention of storm water for flood control purposes may be required.
- C. The project meets the applicability criteria for Storm Water Management. Therefore, the project is required to submit a Storm Water Control Plan Application and Coversheet. The Storm Water Control Plan application and template can be found at:  
<http://www.slocounty.ca.gov/Assets/PL/Forms+and+Information+Library/Construction+Permit+Documents/Grading+and+Drainage+Documents/SWCP+Application+Pkg.pdf>

The Post Construction Requirement (PCR) Handbook can be found at:  
[http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new\\_stormwater/PCR+Handbook+1.1.pdf](http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new_stormwater/PCR+Handbook+1.1.pdf)

The provided SWCP appears adequate

**Recommended Project Conditions of Approval** of 26

Access

1. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.
2. **At the time of application for construction permits**, and in accordance with Streets and Highway Code Section 1480.5 & 1481 the applicant shall submit an application to the Department of Public Works for an Encroachment Permit to reconstruct, if necessary, all deteriorated or non-compliant parent parcel frontage improvements.

Drainage

3. **At the time of application for construction permits**, the applicant shall submit complete drainage plans and report prepared by a licensed civil engineer for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. Provide calculations to determine if all drainage must be retained or detained on-site (the design of the basin shall be approved by the Department of Public Works).

Storm Water Control Plan

4. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
5. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.
6. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.